Frank Monfrey

Deposition

December 9, 2005

Page 1

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA

EEOC,

Plaintiff,

and

SHOTSAY POSCIRI, Plaintiff-Intervenor,

vs.

UNITED FREIGHT & TRANSPORT, INC., Defendant.

Case No. A05-122 CV

DEPOSITION OF FRANK MONFREY,

Pages 1-149, inclusive

Commencing at 9:44 a.m.

Friday, December 9, 2005

Anchorage, Alaska

Alaska Stenotype Reporters 511 West Ninth Avenue Anchorage, AK 99501-3520 Serving Alaska Since 1953

Rick D. McWilliams, RPR, Ret. Telephone 907.276.1680 Fred M. Getty, RPR, Ret.

Email AkSteno@aol.com Fax 907.276-8016

EXHIBIT Fage 1 of 5

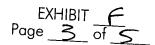
Deposition

December 9, 2005

Page 143 1 Yes, ma'am. Α. And those are the only nonunion people? 0. 3 Yes, ma'am. Α. 0. How would they deal with a discrimination 5 complaint? Α. It would have to be brought to me. Q. Do you have any nonunion truck drivers? Α. No, ma'am. 0. Are you familiar with the company's finances? 10 Is that something that you deal with as part of your --11 Α. Yes, ma'am. 12 0. Are you aware that the EEOC sent out 13 interrogatories requesting information about your 14 financial status about the company? 15 Α. No, ma'am. 16 Were you ever requested to compile documents Ο. 17 about the company's financial status? 18 Α. No, ma'am. 19 Do you know whether or not Ms. Mansfield was Q. 20 ever asked to compile documents for the company's 21 financial status? 22 Α. I do not know. 23 Q. Would she have the access to that type of 24 information? 25 Α. She would not, but she would not be able to

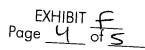
Page 144

- send it without my approval.
- Q. Without your approval. Did she ask you whether
- or not she could have your approval?
- <sup>4</sup> A. No, ma'am.
- $^{5}$  Q. Okay. I'll represent to you that your
- 6 attorneys have objected and not turned over any financial
- documentation and the EEOC has notified them of our
- 8 opposing that decision to object. What I would like for
- you to do right now is look over some files, which I'll
- have marked as the exhibit in sequential order.
- 11 (Exhibits 42 and 43 marked.)
- 12 BY MS. HEALY:
- Q. Do you recognize either of these printouts?
- MR. EVANS: Can I ask a question? Were these
- documents produced to us at all?
- MS. HEALY: No, I just -- no, they weren't.
- THE WITNESS: No.
- 18 BY MS. HEALY:
- 19 Q. These are printed from two different databases.
- One is done on Brad Street and the one is on a LEXUS
- database. And they are publically available company
- records. Would you mind looking through them and see if
- you know if they are accurate? And you're the person to
- ask about the financial information about the company; is
- that right?



Page 146

- Q. And did you have a chance to review the
- <sup>2</sup> documents?
- A. I looked through them, yes.
- Q. And is the information in those documents
- 5 accurate?
- MR. EVANS: I'm going to object and instruct
- the witness not to answer the question.
- MS. HEALY: Not to answer the question on what
- 9 basis?
- MR. EVANS: On the basis that we have a pending
- objection as to status of United Freight's financial
- information. We advised you of that objection. We told
- you we would seek a protective order, and to let us know
- if you wanted us to do so. You didn't respond, and now
- you're asking him questions that lead to uncovering that
- financial information in the deposition. So I'm going to
- instruct him not to answer.
- MS. HEALY: And I will respond. The objection
- that was stated was to the company providing me any
- financial information. This information was obtained by
- another source. You are correct that we have a current
- dispute over whether or not the EEOC at this time, in a
- federal law suit, not a state court action, is entitled
- to financial information, which goes directly to punitive
- damages in this case.



```
Page 147
 1
               Because you're instructing the witness not to
 2
     answer, for the record, I will open -- keep open this
     deposition pending the outcome of any motions filed in
     court. And I would appreciate you to reconsider your
     objection to this witness testifying on documents of
 6
     public record.
               MR. EVANS:
                           Okay.
               MS. HEALY: Are you instructing the witness not
 9
     to answer any questions based on the public records,
10
     which were presented today?
11
                            I'm instructing him not answer any
               MR. EVANS:
12
     questions that would reveal United Freight's financial
13
     information.
14
               MS. HEALY: Are you instructing him not to
15
     answer the pending question, and that is, whether or not
16
     these documents are accurate?
17
               MR. EVANS:
                           With respect to the financial
18
     information contained therein, yes.
19
               MS. HEALY: Okay. I don't have any further
20
     questions then.
21
               MR. LEGACKI: I don't have any further
22
     questions.
23
               MS. KUCUK: I have no further questions.
24
               MR. EVANS: I don't have any questions.
25
               (Proceedings concluded at 3:18 p.m.)
                (Signature reserved.)
```